

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANGELAKOS (HELLAS) S.A., GALLIA  
GREACA SHIPPING LTD,  
KONSTANTINOS CHRYSOVERGIS,  
and TRYFON ANGELOU,

Defendants.

CASE NO. CR16-0062-JCC

ORDER ON MOTION TO  
SUPPRESS

This matter comes before the Court on the motion by Defendants Angelakos (Hellas) S.A. and Gallia Graeca Shipping Ltd. (“corporate Defendants”) to suppress statements made by Defendant Tryfon Angelou (Dkt. No. 66). For the reasons explained herein, the Court DENIES the motion for lack of standing.

The corporate Defendants seek to suppress Angelou’s statements to a United States Coast Guard agent, arguing that Angelou was not read his *Miranda*<sup>1</sup> rights and was questioned without an attorney. (Dkt. No. 66 at 4-5.) The corporate Defendants maintain that they have standing to challenge Angelou’s statements, because the charges against them are being pursued on a vicarious basis. (*Id.* at 4.)

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<sup>1</sup> *Miranda v. Arizona*, 384 U.S. 436 (1966).

1           However, this is contrary to the trend of authority against vicarious assertion of a  
2 codefendant's constitutional rights. For example, in *Alderman v. United States*, 394 U.S. 165,  
3 173-74 (1969), the Supreme Court rejected the argument that a defendant has standing to invoke  
4 a coconspirator's right against unreasonable searches. The Court reasoned that the "product of a  
5 Fourth Amendment violation can be successfully urged only by those whose rights were violated  
6 by the search itself, not by those who are aggrieved solely by the introduction of damaging  
7 evidence." *Id.* at 171-72. Numerous circuit courts have applied this reasoning in the Fifth  
8 Amendment context. *See, e.g., United States v. Fortna*, 796 F.2d 724, 732 (5th Cir. 1986)  
9 (finding that appellants lacked standing to join codefendant's motion to quash on basis of  
10 attorney-client privilege, "because Fifth and Sixth Amendment rights, like Fourth Amendment  
11 rights, are personal in nature and cannot be asserted vicariously"); *Gissendanner v. Wainwright*,  
12 482 F.2d 1293, 1296 n.3 (5th Cir. 1973) (reasoning that "admission of evidence against these  
13 appellants which may have been the result of [a codefendant's] inadmissible confession in no  
14 way encroaches their right to counsel or privilege against self-incrimination. The exclusionary  
15 rule does not provide a basis for asserting these rights in this context."); *Bryson v. United States*,  
16 419 F.2d 695, 698-99 (D.C. Cir. 1969) (holding that appellants lacked standing to challenge a  
17 codefendant's confession given in violation of *Miranda*, because "Fifth Amendment rights are, a  
18 fortiori, personal rights"); *Bowman v. United States*, 350 F.2d 913, 915-16 (9th Cir. 1965)  
19 (rejecting argument that defendants could assert Fifth Amendment right on witness's behalf,  
20 because "[i]t has long been settled that the privilege against self-incrimination is personal to the  
21 witness").

22           The corporate Defendants cite no authority to distinguish the present case from the  
23 general rule against vicarious assertion of a codefendant's constitutional rights. The Court thus  
24 concludes that they lack standing to invoke Angelou's right to counsel. The motion to suppress  
25 (Dkt. No. 66) is DENIED.

1 DATED this 10th day of May 2016.

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8 John C. Coughenour  
9 UNITED STATES DISTRICT JUDGE  
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